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7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 (SACRAMENTO DIVISION)

11 LESLIE A. CHAPMAN,
12 Plaintiff,
13 v.
14 COMMISSIONER OF SOCIAL SECURITY,
15 Defendant.

Case No. 2:24-CV-01010-DMC

**STIPULATION AND ORDER FOR
THE AWARD AND PAYMENT OF
ATTORNEY FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d)**

16 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees of SIX
18 THOUSAND FIVE HUNDRED DOLLARS (\$6,500) under the Equal Access to Justice Act
19 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services
20 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with
21 28 U.S.C. § 2412(d).

22 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
23 the matter of Plaintiff's assignment of EAJA fees to counsel Robert C. Weems (Counsel).
24 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will
25 depend on whether the fees are subject to any offset allowed under the United States Department
26 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
27 determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
2 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
3 be made directly to Counsel, under the assignment executed by Plaintiff. Any payments made
4 shall be delivered to Counsel.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
6 attorney fees and is not an admission of liability by Defendant under the EAJA or otherwise.
7 Payment of the agreed amount constitutes a complete release from, and bar to, any and all claims
8 that Plaintiff and/or Counsel, including Counsel's law firm and associates, may have relating to
9 EAJA attorney fees in connection with this action.

10 This award is without prejudice to the rights of Counsel to seek Social Security Act
11 attorney fees under 42 U.S.C. § 406(b), subject to the saving clause provisions of the EAJA.
12

WEEMS LAW OFFICES

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Eastern District of California

MATHEW W. PILE

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MICHELLE A. PAVELEK

Special Assistant U.S. Attorney

19 /s/Robert C. Weems

20 Robert C. Weems,
Attorney for Plaintiff

By: /s/Michelle A. Pavelek

21 Michelle A. Pavelek,
Special Assistant United States Attorney and
Attorney for the Defendant
(per email authorization)

22 SO ORDERED:

24 Dated: April 18, 2025



25 DENNIS M. COTA
26 UNITED STATES MAGISTRATE JUDGE
27
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